

**NOTICE OF APPEAL TO A COURT OF APPEALS
FROM AN ORDER OF A
DISTRICT COURT**

United States District Court for the Northern
District of Illinois

File Number: 08-cv-0058
Consolidated with 08-cv-1313

JAY FRANCO & SONS, Inc.,)	
)	
Plaintiff/Appellee,)	
)	
v.)	Case No: 08-CV-0058
)	
CLEMENS FRANEK,)	
)	
Defendant/Appellant.)	

CLEMENS, FRANEK,)	
)	
Plaintiff,)	
)	Case No: 08-cv-0058
WALMART STORES, INC., an)	
)	
TARGET CORPORATION)	
)	
Defendant.)	

NOTICE OF APPEAL

Notice is hereby given that Clemens Franek, the Defendant in consolidated case no. 08-cv-1313 and Plaintiff in case no. 08-cv-0058, hereby appeals to the United States Court of Appeals for the Seventh Circuit from an order dated August 25, 2008 denying Franek's Motion to File a Sur-Reply Brief and from an order granting Jay Franco & Sons Inc.'s Motion for Partial Summary Judgment entered in this action on the 13th day of March, 2009 and made final and appealable by an order entered on the 31st day of March, 2009.

/s/ Mark D. Roth

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